



Docket No.: 217612US2S DIV

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313



ATTORNEYS AT LAW

RE: Application Serial No.: 10/058,091
Applicants: Hideo ANDO, et al.
Filing Date: January 29, 2002
For: INFORMATION RECORDING METHOD AND
INFORMATION REPRODUCING METHOD
Group Art Unit: 2615
Examiner: HASAN, SYED Y.

SIR:

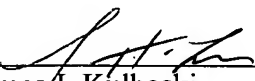
Attached hereto for filing are the following papers:

Petition to Make Special

Our credit card payment form in the amount of **\$130.00** is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.


James J. Kulbaski

Registration No. 34,648

Customer Number

22850

(703) 413-3000 (phone)

(703) 413-2220 (fax)

I:\ATTY\JWA\217612US\217612 PTO CVR LTR 5.25.06.DOC

Scott A. McKeown

Registration No. 42,866

DOCKET NO: 217612US2S DIV



IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :
HIDEO ANDO, ET AL. : EXAMINER: HASAN, SYED Y.
SERIAL NO: 10/058,091 :
FILED: 01/29/02 : GROUP ART UNIT: 2615
FOR: INFORMATION RECORDING :
METHOD AND INFORMATION
REPRODUCING METHOD

PETITION TO MAKE SPECIAL UNDER MPEP §708.02(VIII)

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

I. Basis for the Petition

Pursuant to MPEP §708.02(VIII) (8th ed. Rev. August 2005), Applicants hereby petition for a special status for this Application.

II. Requirements for Granting Special Status

MPEP §708.02(VIII) established five requirements for a grant of special status. The following subsections show that each of these five requirements is satisfied in the above-identified case.

05/30/2006 SZEWDIE1 00000149 10050091

01 FC:1464

130.00 0P

A. Submit Petition and Fee: §708.01(VIII)(A)

This petition is accompanied by the fee set forth in 37 C.F.R. §1.17(h).

B. Agree to an Election Without Traverse: §708.02(VIII)(B)

Applicants submit that pending Claims 25-30 are directed to a single, patentable invention. If a restriction requirement is imposed in this Application, Applicants agree to elect without traverse.

C. State that a Preexamination Search was Made: §708.02(VIII)(C)

Applicants conducted a search of the PATOLIS (Patent Online Information System) for Applicants' related Japanese applications. Results of this search were listed on the Information Disclosure Statement filed October 4, 2002. The search methodology used for the search entailed the use of the following keywords: play list/user-defined PGC, entry point, primary text, item text, movie AV file information, still picture video object group, time map information, VOB entry, management information, moving and still. The field of search included all Japanese Patent and Utility models from January 1, 1990 to May 15, 1998.

The present application claims, in relevant part, recording a video file or an audio file in the data recording portion; recording original program chain information in the main and back-up management files, the original program chain information designating a reproduction order of cells representing the video data in the video file or the audio data in the audio file; recording new chain information as user-defined program chain information in the main and back-up management files, the new chain information designating a reproduction order of the cells, which is different from a fixed reproduction order designated by the original program chain information; and recording cell information representing the cells, which is designated by the original program chain information or user-defined program chain information, in the main and back-up management files, wherein the main management file and the back-up management file are updated by editing user-defined program chain information of the main

management file and that of the back-up management file, and a reproduction order indicated by the original program chain information is edited.

Further, searches were conducted by group art unit 2615 of the Patent and Trademark Office in cases related to the claimed subject matter of the present application (i.e., same patent family). These cases are:

Application Serial No. 09/311,272, filed on May 14, 1999

(now U.S. Patent 6,341,196, hereinafter '196); and

Application Serial No. 09/651,295, filed on August 30, 2000

(now U.S. Patent 6,529,681, hereinafter '681)

The search records indicate that searches in these related U.S. applications were conducted in the following classes/subclasses: 386/95, 98, 33, 39, 45, 125, 126, and 111-112; 369/47, 54, and 58; 360/27; and 369/47.1, 47.2, 47.21, and 47.22. The references identified by the Patent and Trademark Office as relevant in these two related applications were made of record in the Information Disclosure Statement filed on October 4, 2002.

Applicants submit that the claimed subject matter of the present application is substantially similar in scope to that of '196 and '681, in that the '196 claims, in relevant part, recording a video file or audio file; recording original program chain information designating a fixed reproduction order of the cells while keeping an original reproduction order of said object units unchanged; and recording new chain information as user-defined program chain information in the management file, the new chain information designating a reproduction order of the cells and this reproduction order of the cells is different from a fixed reproduction order designated by the original program chain information.

Likewise, the '681 claims, an information recording apparatus for recording information on an information recording medium which includes: (i) a first area for recording at least a video file or an audio file, wherein the video file or audio file includes an

unrecorded area described by at least one extent, the video file or the audio file including at least an object containing object units each of which includes at least a begin pack and a plurality of video or audio packs, each video pack or audio pack having a predetermined size, the begin pack including information of a recording time of the object units, (ii) a second area for recording a management file and a backup management file, the management file containing video management information which includes at least program chain information including a plurality of cells which represent a presentation period of the object, the backup management file including backup program chain information and having the same contents as the management file, the backup program chain information being updated when said at least program chain information is changed, and (iii) a third area for recording file management information including information of a file entry which specifies a location of the video file or the audio file including the unrecorded area, the information recording apparatus comprising: a first reproducer configured to reproduce the management file including the program chain information or the backup management file including the backup program chain information; and a second reproducer configured to reproduce the video file or the audio file including the begin pack based on the information of the reproduced management file or the backup management file..

Together, these searches qualify as a pre-examination search for the present application as the search methodology entailed searching by keyword and patent class in accordance with the subject matter of the disclosure.

D. Submit a Copy of the Most Relevant References: §708.02(VIII)(D)

The references found in the above searches were all made of record in the information disclosure statement filed on October 4, 2002. Copies of references that are not U.S. Patents or Patent Publications were previously submitted in application serial nos. 09/11,272 and

09/651,295, the grandparent and parent of the present application. All references now of record are discussed below with reference to the claimed subject matter of Claims 25-30.

**E. Submit a Detailed Discussion of the References, Pointing Out How the Claimed Subject Matter is Patentable Over the References:
§708.02(VIII)(E)**

Applicants submit that the independent claims of the present invention patentably distinguish over all of the references of record. Reasons for the patentability of each of the independent claims are provided below.

Claim 25 recites an information recording method of recording data on an information recording medium having a data recording portion and a management information recording portion in which main and back-up management files are to be located, the method comprising, *inter alia*:

recording original program chain information in the main back-up management files, the original program chain information designating a reproduction order of cells representing the video data in the video file or the audio data in the audio file;

recording new chain information as user-defined program chain information in the main and back-up management files, the new chain information designating a reproduction order of the cells, which is different from a fixed reproduction order designated by the original program chain information; and

recording cell information representing the cells, which is designated by the original program chain information or user-defined program chain information, in the main and back-up management files,

wherein the main management file and the back-up management file are updated by editing user-defined program chain information of the main management file and that of the back-up management file, and a reproduction order indicated by the original program chain information is edited.

Japanese Patent Publication 58-088978 (Etsuo et al., hereinafter Etsuo) relates to a disc device that provides additional sound and character display. A recording unit uses three tracks as one set of the recording unit. Video track 1 includes a still picture signal. First data track 2 includes audio signals. Second data track 3 includes character code signals. Data signals comprising character codes displaying the content of classification of each recording unit and address codes representing track 5 of the recording unit are recorded on track 4 of disc 10. Data signals comprising character codes representing the content of each recording unit and the address codes representing the second data track of each recording unit are recorded on track 5.¹

Thus, Etsuo does not disclose or suggest a method of recording information on a medium with the claimed features directed toward a back-up management file.

Japanese Patent Publication No. 60-236163 (Yoshihiko et al., hereinafter Yoshihiko) relates to an information recording system that records two forms of information on the same recording medium under a mixed condition after respectively adding discriminating information. Documents, picture information, and sound information are respectively input from a scanner 1 or sound input circuit 3, and are selected at a gate circuit 5 after passing through an information compressing circuit 2 and sound encoding circuit 4. Upon receiving discriminating information from a discriminating information circuit 6, a modulator circuit 7 makes EFM modulation on the document, picture information, and sound information from the gate circuit 5 and, at the same time, records each information on an optical disk 8 after adding the discriminating information. Document, picture, and sound information read out by detecting the header information from the disk 8 are supplied to a discriminating information recognizing circuit 10 where the discriminating information is extracted through a demodulator circuit 9 and selected at gate 11. After the selection, each information is sent

¹ Etsuo, Abstract.

to a display 14 where the document and picture information is displayed and a sound outputting circuit 15 where the sound information is outputted through an information extending circuit 12 and sound decoding circuit 13.²

Thus, Yoshihiko does not disclose or suggest a method of recording information on a medium with the claimed features directed toward a back-up management file.

Japanese Patent Publication 02-206820 (Takahashi) relates to a device for controlling optical disk information. A magnetic disk device stores directory information such as the name of a disk in the optical disk device, the storage address of information, and the name of a file. Magnetic disk storage device 5 stores directory information of an optical disk recording/reproducing device 4. When information such as a name of a file and information for retrieving the file are input, CPU 1 instructs device 4 to read the optical disk. Next, a write start address is read from the magnetic disk of the device 5 and the name of the disk is displayed on CRT 3. A process for receiving picture information is written in device 4. When reception terminates, new directory information and the name of the file are generated in a directory area. Then, new directory information and retrieval related information are transmitted to the device 5 and new file information is generated.³

Thus, Takashi does not disclose or suggest a method of recording information on a medium with the claimed features directed toward a back-up management file.

Japanese Patent Publication 11-238318 (Hideo) was published on August 31, 1999. The effective U.S. filing date of the present application is May 14, 1999. Thus, Hideo is not prior art with respect to the present application and no further discussion is necessary.

Japanese Patent Publication 8-315551 (Shinji et al, hereinafter Shinji) relates to a data recorder/reproducer, in which a backup file can be reproduced while reducing the recording capacity of a magnetic tape. A file reproduction means 2 reproduces a data file recorded on

² Yoshihiko, Abstract.

³ Takahashi, Abstract.

magnetic tape 1 and delivers the data file to a file rewriting means 3. The file rewriting means 3 rewrites the data file to prepare an overwrite file. In this regard, a modified information file means 4 prepares a modified information file concerning the different part between files and a modified volume detection means 5 detects the volume of modified information (data volume). A file recording means 6 determines the recording position of unrecorded area, except the area where the data file is recorded, based on the volume of modified information before recording the modified information file.⁴

Thus, Shinji does not disclose or suggest a method of recording information on a medium with the claimed features directed toward a back-up management file.

Japanese Patent Publication 9-135412 (Migaku et al., hereinafter Migaku) relates to a device that presents information related to images or sounds (such as the date of recording, recording mode, photographic conditions, reduced images and the information of notes) for a user. The device records image signals and audio signals in a recording medium 2 together with additional information, and reproduces the recorded contents in the recording medium 2. An image file 21 and a sound file 22 are provided so as to completely record this additional information in one separate map file 24. Therefore, all the additional information required for presenting the information related to images or sounds can be provided from only the map file 24.⁵

Thus, Migaku does not disclose or suggest a method of recording information on a medium with the claimed features directed toward a back-up management file.

Japanese Patent Publication 10-112116 (Norichika et al., hereinafter Norichika) relates method and device for finalizing an optical disk. The finalization method is realized by a processes depicted in steps S10 through S70. The unrecorded area map of the optical disk is formed on an LBA (logic block address) (S10-S30). For performing conversion from

⁴ Shinji, Abstract.

⁵ Migaku, Abstract.

the LBA to a PBA (physical block address) normally performed in an optical disk drive by application of a host side, a conversion table from the LBA to the PBA is formed (S40).

Based on this conversion table, the unrecorded area map is converted from the LBA to the PBA (S50), and the area to be finalized is decided (S60). Dummy data are recorded on the decided area on the optical disk (S70).⁶

Thus, Norichika does not disclose or suggest a method of recording information on a medium with the claimed features directed toward a back-up management file.

Japanese Patent Publication 11-162119 (Yasahiro et al., herein after Yasahiro) relates to a recording format of AV data suitable for DVD-RAM. At the leading part of a video object unit (VOBU) of AV data, a pack B-PCK indicating the start of the VOB is provided instead of a navigation pack. After the final video pack (V-PCK) or audio pack (A-PCK) of the VOB, a predetermined number of reserved packs (R-PCK) for producing a free area are embedded. By thus recording AV data with a blank area provided for each VOB unit and enabling writing of audio and video data after editing the blank area, the condition of seamless reproduction can be easily satisfied with respect to edited data.⁷

Thus, Yasuhiro does not disclose or suggest a method of recording information on a medium with the claimed features directed toward a back-up management file.

Japanese Patent Publication 8-263969 (hereinafter JP 8-263969) relates to a high capacity recording medium. JP-8-263969 discloses a recording medium that stores video object 130, which includes many video cells 150. A movie story is expressed by a continuous sequence corresponding to a logical process of introduction, development, turn, and conclusion. Each section of the sequence corresponds to a program. Each program is defined as a set of cells 150, in each video object 130. A set of the program is defined as the

⁶ Norichika, Abstract.

⁷ Yasahiro, Abstract.

program chain of the sequence. It is possible that one program chain is stored in one video object 130, or a plurality of program chains are stored in one video object 130.⁸

The program chain corresponds to a sequence for reproducing a video title, an audio title, a video title set menu and volume menu (i.e., a story). The program chain is defined as an aggregate of selected programs for realizing the sequence or story. The program chain corresponds to a set of a plurality of programs constituted by selected one or a selected plurality of cells with the cells ordered.⁹

JP-8-263969 also discloses that management data is stored in the volume information file 82.¹⁰ Volume information file 82 is divided into two areas; a management area 82-1 and menu data area 82-2. The management area 82-1 includes one file manager, three tables and one table group in order to manage all the files in file area 80.¹¹

Thus, JP-8-263969 does not disclose or suggest a method of recording information on a medium with the claimed features directed toward a back-up management file.

U.S. Patent No. 5,778,142 (Taira et al., hereinafter Taira '142) relates to a large capacity recording medium. As seen in Fig. 4, the volume and file structure has a directory structure that consists of a volume management information area 70 and file area 80, which includes a volume information file 82, video title sets 84, and audio title sets 86. Taira '142 discloses title set menu program chain information and volume menu program chain information.¹² As shown in Fig. 5, volume menu program chain information block table 104 is included in volume information file 82. Volume menu program chain information block

⁸ JP 8-263969, paragraph [0054].

⁹ JP 8-263969, paragraph [0036].

¹⁰ JP 8-263969, paragraph [0027].

¹¹ JP 9-263969, paragraph [0029].

¹² Taira '142, col. 8, lines 42-43 and 65-66.

table 104 includes volume menu program chain information for generating volume menus for various languages.¹³

Taira '142 also discloses that management data is stored in the volume information file 82.¹⁴ Volume information file 82 is divided into two areas; a management area 82-1 and menu data area 82-2. The management area 82-1 includes one file manager, three tables and one table group in order to manage all the files in file area 80.¹⁵

Taira '142 does not disclose or suggest a method of recording information on a medium with the claimed features directed toward a back-up management file.

U.S. Patent Application No. 5,915,067 (Nonomura et al., hereinafter Nonomura) relates to an optical disk that stores multimedia data. Fig. 4 shows the data composition of the entire disk. A volume region includes a volume management region. The volume management region takes up a necessary number of blocks and is used to manage the entire disk.¹⁶

Nonomura also discloses that the management information storage region stores management information comprised of group information which shows which video data sequences have been grouped together to compose a group for which one of the composing video data sequences is reproduced.¹⁷

A video title set file is included in the volume region and stores a plurality of VOBs.¹⁸ Fig. 5 shows the internal construction of the video title set file in Fig. 4. As shown in Fig. 5, there is a program chain information table. The program chain information includes route information showing an order of plurality of VOBs as well as control information relating to reproduction. In other words, the program chain information is a list of VOBs which is

¹³ Taira '142, col. 10, lines 6-9.

¹⁴ Taira, col. 8, lines 11-13.

¹⁵ Taira, col. 8, lines 26-36.

¹⁶ Nonomura, col. 10, lines 38-42.

¹⁷ Nonomura, Abstract.

¹⁸ Nonomura, col. 10, lines 48-52.

decided by the reproduction order.¹⁹ Fig. 6 shows the relationship between program chain information and VOBs.

Nonomura does not disclose or suggest a method of recording information on a medium with the claimed features directed toward a back-up management file.

U.S. Patent No. 5,999,696 (Tsuga et al., hereinafter Tsuga) relates to an optical disk for storing multimedia data. As shown in Fig. 7A, the video title set management information includes a video title set management table, title search pointer management information, a program chain information table, and the like.²⁰

Tsuga discloses a volume management region, which is used to manage the entire disk.²¹ The volume manager in the file region expresses the management information for the entire disk.²² The video title set management information includes a video title set management table, title search pointer management information, a program chain information table and the like.²³

The program chain information table is a table which stores a plurality of entries of program chain information. Each entry of program chain information includes information for one program chain (i.e., route information for showing a reproduction order of a plurality of VOBs as well as control information relating to the reproduction chain). By setting the route information, the software title developer can freely combine any number of VOBs in their desired order as a program chain.²⁴

Fig. 9 shows the internal construction of the video manager, which includes a program chain information table.²⁵ Fig. 9 shows that menu program chain information table

¹⁹ Nonomura, col. 11, lines 10-24.

²⁰ Tsuga, col. 11, lines 17-20.

²¹ Tsuga, col. 10, lines 52-53.

²² Tsuga, col. 10, lines 57-61.

²³ Tsuga, col. 11, lines 17-20.

²⁴ Tsuga, col. 11, lines 25-37.

²⁵ Tsuga, col. 12, lines 56-63.

included the video manager. The menu program chain information table stores at least one entry of the program chain information for a menu.²⁶

Tsuga does not disclose or suggest a method of recording information on a medium with the claimed features directed toward a back-up management file.

U.S. Patent No. 5,999,698 (Nakai et al., hereinafter Nakai) relates to a multiblock reproduction system. During reproduction of a title that includes multianagle video images, an angle mark appears on the display device indicating that indicates the reproduction has reached a multiangle image recorded portion.²⁷ As shown in Fig. 13, the recording medium stores a program chain.²⁸

Nakai does not disclose or suggest a method of recording information on a medium with the claimed features directed toward a back-up management file.

U.S. Patent No. 6,088,507 (Yamauchi et al., hereinafter Yamauchi) relates to a multimedia optical disk. Yamauchi discloses an optical disk that includes a data area and a management information area. The management information area stores a channel table in which a plurality of logical channel numbers are respectively related to a plurality of physically channel numbers for each piece of video data.²⁹

Fig. 2 shows the data structure of a DVD. The volume area is divided into a volume management area and a file area. The file area stores a video manager.³⁰ The video manager manages all the video title sets in the disk.³¹

Fig. 13A shows the construction of the video title set management information. The video title set management information is comprised of a video title set management table, a title search pointer table, and a PGC information management table. The title search pointer

²⁶ Tsuga, col. 13, lines 31-32.

²⁷ Nakai, Abstract.

²⁸ Nakai, col. 45, lines 40-46.

²⁹ Yamauchi, Abstract.

³⁰ Yamauchi, col. 7, lines 27-28, and 36-37.

³¹ Yamauchi, col. 7, lines 62-63.

table stores a pointer pointing to the location of the PGC information. The PGC information management table is used to achieve the reproduction of a plurality of VOBs selected arbitrarily in an arbitrary order.³²

Yamauchi does not disclose or suggest a method of recording information on a medium with the claimed features directed toward a back-up management file.

U.S. Patent No. 6,094,414 (Taira et al., hereinafter Taira '414) relates to optical recording medium capable of recording an information data file. Taira '414 discloses a table management region that contains a disk identifier that represents the type of the data recording format of the disk, an identifier that identifies whether the disk is single-sided or double-sided, and a disk side identifier that indicates whether the reproducing side of a disk is side A or side B of a double sided disk.³³

Fig. 1 shows the data structure of a disk, which includes a read-in region, a management region, a data regions, and a read-out region.³⁴ On the disk, the same management information recorded in the management region is recorded in a multiplexed fashion at a plurality of positions other than the positions of the management region and the data region.³⁵ Fig. 14 shows the spare management information that is written at a plurality of positions in the read-in region in a multiplexed fashion.³⁶

Fig. 16 shows that file management table 5 includes the number of chain information tables. As shown in Figs. 17 and 18, information that composes a program chain is written in chain information table 6.³⁷

Taira '414 does not disclose or suggest a method of recording information on a medium with the claimed features directed toward a back-up management file.

³² Yamauchi, col. 13, lines 7-22.

³³ Taira '414, Abstract.

³⁴ Taira '414, col. 5, line 67 to col. 6, line 2.

³⁵ Taira '414, col. 7, lines 51-54.

³⁶ Taira '414, col. 7, ones 55-57.

³⁷ Taira '414, col. 8, lines 25-35.

U.S. Patent No. 6,112,011 (Hisatomi) relates to a recording medium in which video data capable of forcibly reproducing a sub-picture in accordance with a state of reproduction is stored. As shown in Fig. 5, the video manager 101 contains at least three items each corresponding to individual files 104. Specifically, the video manager 101 is made up of video manager information (VMGI) 105, a video object set (VMGM_VOBS) 106 for video manager menu, and backup (VMGI_BUP) of video manager information.³⁸ The contents of the title search pointer (TT_SRP) 121 specifies a video title set to be reproduced and a program chain (PGC).

Hisatomi does not disclose or suggest a method of recording information on a medium with the claimed features directed toward a back-up management file.

U.S. Patent No. 6,198,874 (Kaneshige et al., hereinafter Kaneshige) relates to a storage medium on which multi-angle scenes are recorded in such a way as to decrease the physical movement of a pickup at playback time.³⁹ Kaneshige discloses an algorithm, shown in Fig. 5, for determining the order in which cell numbers are arranged.

Fig. 15 shows the volume space of the optical disk 100. The volume space includes a video manager, which has video manager information (VMGI) as control data and video object set (VMGM_VOBS) as data for menu display. Also, backup video manager information that is identical in content to the VMGI is included.⁴⁰

Fig. 18 shows an example of controlling the order of playback of the cells by a program chain (PGC). Various program chains are prepared so as to allow the order of playback of the data cells to be variously set. Thus, the order of playback of the cells is set by making a choice among the program chains.⁴¹

³⁸ Hisatomi, col. 9, lines 30-40.

³⁹ Kaneshige, col. 1, lines 61-65.

⁴⁰ Kaneshige, col. 12, lines 8-26.

⁴¹ Kaneshige, col. 12, line 63 to col. 13, line 2.

Kaneshige does not disclose or suggest a method of recording information on a medium with the claimed features directed toward a back-up management file.

U.S. Patent No. 6,222,806 (Mori et al., hereinafter Mori) relates to an information storing disk that allows a plurality of reproduction apparatuses, that have different levels of performance, to have the same wait time before the reproduction of the system stream starts.⁴² The system stream includes a silent cell for defining a silent period and an audio cell for defining audio data to be reproduced after the silent period. The silent period is a period to be silent, which is from when the system stream to be reproduced is determined until reproduction of an audio cell included in the system stream is started.⁴³

Fig. 4B shows the timing for starting the reproduction of the same system stream 310 in two reproduction apparatuses #1 and #2. Reproduction apparatus has a lower level of performance than that of reproduction apparatus #2.⁴⁴ As Mori describes with reference to Fig. 4B, in reproduction apparatus 1, reproduction starts from audio pack S6 of the silent cell 312; whereas in reproduction apparatus #2, reproduction starts from the audio pack S3 of the silent cell 312. In both reproduction apparatuses #1 and #2, audio output is suppressed during the silent period. Thus, the silent period of system stream 310 can always be the same regardless of the type of reproduction apparatus.⁴⁵

Fig. 8 shows the logical structure of DVD 107. Volume region 32 includes volume file management region 32a, which stores file system management information for managing a plurality of logical blocks as files.⁴⁶ DVD 107 also includes a program chain management information table 812.⁴⁷

⁴² Mori, col. 1, lines 10-17.

⁴³ Mori, col. 2, lines 41-47.

⁴⁴ Mori, col. 9, lines 45-50.

⁴⁵ Mori, col. 10, lines 26-34.

⁴⁶ Mori, col. 13, lines 59-64.

⁴⁷ Mori, col. 14, lines 59-64.

Mori does not disclose or suggest a method of recording information on a medium with the claimed features directed toward a back-up management file.

Claim 26 is dependent from Claim 25, and thus is patentable for at least the reasons described above. Claims 27 and 29 recite substantially the same limitations as Claim 25, albeit in a format for a recording apparatus and an information recording/reproducing medium. Therefore, Applicants respectfully submit that the limitations defined by pending Claims 25, 27, and 29 (and Claims 26, 28, and 30 dependent thereon) patentably distinguish over the references of record.

Furthermore, Applicants note that during an interview with Applicants' representatives on July 2, 2002, Examiner Thai Tran acknowledged that Claim 25-30 contain allowable features from the claims of Application Serial No. 09/651,298.

II. Conclusion

The petition to make special meets all the requirements of MPEP §708.02(VIII), and therefore, should be granted. Accordingly, Applicants respectfully request that this Application be advanced out of turn for examination, and that the assigned Examiner, pursuant to new rule set forth in 37 C.F.R. §1.133(a)(2), contact the undersigned to schedule an interview for advancing the prosecution of this case.

Respectfully submitted,

Customer Number

22850

Tel: (703) 413-3000

Fax: (703) 413 -2220

(OSMMN 06/04)

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



James J. Kulbaski

Attorney of Record

Registration No. 34,648

Scott A. McKeown

Registration No. 42,866